

IN THE UNITED STATES PATENT AND TRADEMARK OFFICESerial No.: **09/ 436,347**

Group Art Unit: 1643

Confirmation No.: 6491

Examiner: A.M. Harris

Filed: 9 November 1999

Inventor: Christine A. WHITE *et al.*For: Treatment of Chronic Lymphocytic Leukemia using Anti-CD20 Antibodies
(as amended)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**SUBMISSION UNDER 37 C.F.R. § 1.28(c)**

Sir:

When this application was filed, applicant's representative asserted that applicant was entitled to pay fees as a small entity under § 1.27. The filing fee and surcharge for late payment were tendered at the small entity rate. However, the official record of this application (as reflected in the image file wrapper on private PAIR) does not indicate that an executed statement in compliance with § 1.27(c) was submitted to perfect the assertion of entitlement to small entity status. On information and belief following reasonable inquiry of the assignee, the undersigned states that small entity status was asserted, and fees to the Office were paid, in good faith.

On review of this file and related application files, it has been discovered that small entity status in this application may have been asserted in error, and it appears that small entity status may not have been properly established in this application according to § 1.27. Applicant has therefore determined that it is prudent to tender payment of the deficiency as specified in § 1.28(c)(2) with respect to the fees that were tendered at the small entity rate. Accordingly, in compliance with the requirements of § 1.28, applicant now submits payment of the deficiency owed and requests that the Office excuse the error.

Please debit the total deficiency of **\$ 535** from our **Deposit Account No. 18-1260**. If the Office determines that the calculation of the deficiency is in error, or if any other fee is required for entry, consideration, or acceptance of this paper, applicant requests that the Director debit the appropriate fee(s) from the same Deposit Account.

As required under § 1.28(c)(2)(ii), an itemization of the deficiency with respect to each fee that was paid at the small entity rate is attached.

Respectfully submitted,

/David L. Fitzgerald/

David L. Fitzgerald, Reg. No. 47,347
Attorney for Biogen Idec Inc.

27 August 2009

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ITEMIZATION UNDER § 1.28(c)(2)(ii)

DATE	DESCRIPTION OF FEE	FEE PAID	FEE CODE ¹	CURRENT FEE ²	DEFICIENCY
99-12-22	Filing fee	\$ 380	1001	\$ 850	\$ 470
99-12-22	Surcharge - missing parts	65	1051	130	65
TOTAL					\$ 535

All fees in this application tendered after 22 December 1999 were paid at the large entity rate.

¹ Current large entity fee code.

² Current large entity fee (FY 2009 fee schedule, as revised 1 May 2009).